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08/902,005 07/29/97 BUTLER

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EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

2711

DATE MAILED:

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



# Office Action Summary

Application No.

08/902,005

Applicant

Laura J. Butler et al.

Examiner

Hai Tran

Group Art Unit

2711



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-50 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-50 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---



Art Unit: 2711

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. *The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

*A person shall be entitled to a patent unless –*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2, 4, 5, 6, 11, 12, 14, 15, 40, 41 and 43 rejected under 35 U.S.C. 102(e) as being unpatentable by Eyer et al (US 5,982,445).

Regarding claim 1, Eyer et al disclose a method comprising the following step:

Transmitting a video stream (Eyer et al; Col.8, lines 20-23 and 33-35);

Formatting supplemental data files in a graphical markup language (Eyer et al; Col.8, lines 25-28), each supplemental data file having instructions for rendering a hyperlink overlay on the video stream (Eyer et al; Col.4, lines 32-38);

Transmitting the supplemental data files along with the video stream (Eyer et al; Col.8, lines 25-33).

Regarding claim 2, 41 wherein the formatting step comprises formatting the supplemental data files in HTML (Eyer et al; Col.8, lines 25-28).



Art Unit: 2711

Regarding claim 4, a computer-readable storage medium having computer-executable instructions for performing steps as recited in claim 1 (Eyer et al; Fig.1, element 100; Col.7, lines 62-67 and col.8, lines 1-12).

Regarding claim 5, receiving the video stream and accompanying supplemental data files (Eyer et al; Fig.1, element 180; Col.8, lines 41-44);

displaying the hyperlink overlays in conjunction with the video stream (Eyer et al; Col.9, lines 20-25).

Regarding claim 6, wherein the displaying step comprises launching an HTML-compatible browser to display the hyperlink overlays (Eyer et al; Col.9, lines 16-18).

Regarding claim 11, wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Eyer et al; Col.8, lines 1-10 and Col.9, lines 35-40), the method further comprising an additional step of displaying content targeted by such hyperlinks in response to selecting such hyperlinks (Eyer et al; Col.9, lines 40-50).

Regarding claim 12, wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Eyer et al; Col.8, lines 1-10 and Col.9, lines 35-40), the method further comprising an additional step of replacing any currently displayed hyperlink overlay with content targeted by such hyperlinks in response to selecting such hyperlinks (Eyer et al; Col.9, lines 55-65 and Col.13, lines 48-55).

Regarding claim 14, wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Eyer et al; Col.8, lines 1-10 and Col.9, lines 35-40), the method further comprising an



Art Unit: 2711

additional step of launching application programs as required to render content targeted by such hyperlinks (Eyer et al; Col.11, lines 18-20).

Regarding claim 15, a computer-readable storage medium having computer-executable instructions for performing steps as recited in claim 5 (Eyer et al; Fig.1 and 2, element 180; Col.8, lines 40-65 and col.9 lines 1-30).

Regarding claim 40, see analysis of claims 1 and 5.

Regarding claim 43, see analysis of claim 6.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 5,982,445) in view of Hidary et al (US 5,778,181).

Regarding claim 3, Eyer does not specifically disclose a step of transmitting timing specifications with the supplemental data files. Hidary shows a step of transmitting timing specifications with the supplemental data files indicating times for displaying the hyperlink overlays (Hidary; Col.3, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art to embed timing specifications into the VBI of the video stream in order to



Art Unit: 2711

synchronize the hyperlink display with the video content for display and to give users an enhance interactive presentation.

Regarding claim 42, see analysis of claim 3.

5. Claim 7, 8, 9, 10, 16, 18-21, 23-29, 31-37, 39, and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 5,982,445) in view of King et al (US 5,621,428).

Regarding claims 7, 8, 9, 10, 16 and 19, Eyer discloses a method comprising:

- ◆ as specified in claim 7, the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays (Eyer; Col.9, lines 23-25);
- ◆ as specified in claim 8, the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays (Eyer; Col.9, lines 23-25); launching an HTML-compatible browser to display the hyperlink overlays (Eyer; Col.9, lines 16-18).
- ◆ as specified in claim 10, launching an HTML-compatible browser to display the hyperlink overlays (Eyer; Col.9, lines 16-18).
- ◆ as specified in claim 16, transmitting a video stream (Eyer et al; Col.8, lines 20-23 and 33-35); formatting HTML files having instructions for rendering hyperlink pages (Eyer et al; Col.8, lines 1-12); associating the HTML files with the video stream (Eyer et al; Col. 8, lines 13-19) display the hyperlink pages on the display(Eyer et al; Cool. 9, lines 20-25); displaying the video stream only in the areas of the hyperlink pages (Eyer; Col.9, lines 23-25).



Art Unit: 2711

- ◆ as specified in claim 19, the displaying step comprises displaying the video stream only in the display areas (Eyer; Col.9, lines 23-25);

Eyer fails to specifically disclose the formatting step comprises setting transparent areas of each hyperlink overlays/pages to a key color (claims 7, 8, 9, 10 and 16), to display the video stream only in the areas of the hyperlink overlays/pages that are set to a key color (claims 7, 8 and 16), and to display the hyperlink overlays/pages, the video stream using color keying video hardware that displays video only in the display areas that are set to a key color (claims 9, 10 and 19).

King shows the formatting step comprises setting transparent areas of each hyperlink overlay/pages to a key color (King; Col. 6, lines 55-61)(claims 7, 8, 9, 10 and 16), to display the video stream only in the areas of the hyperlink overlays/pages that are set to a key color(King; Col.6, lines 62-65)(claims 7, 8 and 16), and to display the hyperlink overlays/pages, the video stream using color keying video hardware that displays video only in the display areas that are set to a key color (King; Fig.2, 3 and 12; Col.4, Summary)(claims 9, 10 and 19).

Therefore, it would have been obvious to one in the ordinary skill in the art to use the color key method of King to modify Eyer in order to overcome the misalignment between the video data and the intended video overlay window on a display screen as stated by King (Col. 4, lines 1-3).

Regarding claim 18, 25, 33, see analysis of claim 6.

Regarding claim 20, 28 see analysis of claim 11.

Regarding claim 21, 29, 37 see analysis of claim 12.

Regarding claims 23, 31, 39 see analysis of claim 14.



Art Unit: 2711

Regarding claims 24, 26, 32, 34, 35, 44 see analysis of claims 7, 8, 9, 10, 16 and 19.

Regarding claim 27, see analysis of claims 6, and 7, 8, 9, 10, 16, 19.

Regarding claim 36, see analysis of claim 6 and (Fig.1, element 180; Col.9, lines 14-25).

6. Claim 17, 45-48, and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 5,982,445) in view of King et al (US 5,621,428), and further in view of Hidary et al (US 5,778,181).

Regarding claim 17, neither Eyer nor King specifically discloses a step of transmitting timing specifications with the HTML files indicating times for displaying the hyperlink pages, and the step of displaying the hyperlink pages being performed at the times indicated by the timing specifications.

Hidary shows a step of transmitting timing specifications with the HTML files indicating times for displaying the hyperlink pages (Hidary; Col.3, lines 60-67), and the step of displaying the hyperlink pages being performed at the times indicated by the timing specifications (Hidary; Col.3, lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art to embed timing specifications into the VBI of the video stream in order to synchronize the hyperlink display with the video content for display and to give users an enhance interactive presentation.

Regarding claim 45, see analysis of claims 3 and 7, 8, 9, 10, 16, 19 in combination of Eyer, King and Hidary.

Regarding claim 46, see analysis of claim 6.



Art Unit: 2711

Regarding claim 47, see analysis of claim 11.

Regarding claim 48, see analysis of claim 12.

Regarding claim 50, see analysis of claim 14.

7. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 5,982,445) in view of Borman et al (US 5,890,172).

Regarding claim 13, Eyer discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Eyer et al; Col.8, lines 1-10 and Col.9, lines 35-40). Eyer does not specifically disclose the step of opening new viewing windows for displaying content targeted by such hyperlinks.

Borman discloses a method of opening new viewing windows for displaying content targeted by such hyperlinks (Abstract, Fig.5A,B,C). Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Borman to modify Eyer in order to enable users to obtain or view information on multiple screens at the same time and also allow users a more efficient way to conduct a search through a browser as stated by Borman (Col.2., lines 55-62).

8. Claim 22, 30 and 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 5,982,445) in view of King et al (US 5,621,428), and further in view of Borman et al (US 5,890,172).

Regarding claim 22, 30 and 38, neither Eyer nor King specifically discloses the step of opening new viewing windows for displaying content targeted by such hyperlinks.



Art Unit: 2711

Borman discloses a method of opening new viewing windows for displaying content targeted by such hyperlinks (Abstract, Fig.5A,B,C). Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Borman to modify Eyer or King in order to enable users to obtain or view information on multiple screens at the same time and also allow users a more efficient way to conduct a search through an browser as stated by Borman (Col.2., lines 55-62).

9. Claim 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 5,982,445) in view of King et al (US 5,621,428), and further in view of Hidary et al (US 5,778,181), and further in view of Borman et al (US 5,890,172).

Regarding claim 49, neither Eyer, King nor Hidary specifically disclose the step of opening new viewing windows for displaying content targeted by such hyperlinks.

Borman discloses a method of opening new viewing windows for displaying content targeted by such hyperlinks (Abstract, Fig.5A,B,C). Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Borman to modify Eyer, King or Hidary in order to enable users to obtain or view information on multiple screens at the same time and also allow users a more efficient way to conduct a search through an browser as stated by Borman (Col.2., lines 55-62).



Art Unit: 2711

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kuzma (US 5,889,950) shows a method and apparatus for distribution of broadcast data.

Broadwin et al (US 5,929,850) shows an interactive television system and method having on-demand web-like navigational capabilities for displaying requested hyperlinked web-like still images associated with television content.

Walsh et al (US 5,903,261) shows a computer based video system.

ActiveX Controls Overview (<http://msdn.microsoft.com/msdn-online/workshop/components/activex/ctrlref.asp>).



Art Unit: 2711

Contact Fax Information

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or Faxed to:**

(703) 308-9051, (for formal communication intended for entry)

**or:**

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")  
Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

HT:ht

December 30, 1999

*Andrew Faile*  
ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700